

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**FRANK D. MCCOLLUM, III,**

Plaintiff,

v.

**LUPE VALDEZ, Dallas County Sheriff,**

Defendant.

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Civil Action No. **3:18-CV-1778-L**

**ORDER**

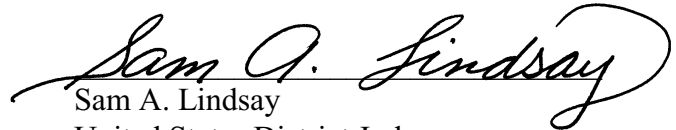
On December 26, 2018, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) was entered, recommending that the court dismiss with prejudice Plaintiff’s claims challenging his conviction or the revocation of his probation until the conditions of *Heck v. Humphrey*, 512 U.S. 477 (1994) are met, and dismiss with prejudice his remaining claims as frivolous. After being granted an extension, Plaintiff filed objections to the Report in which he contends that the magistrate judge mischaracterized the procedural history of his claims and misinterpreted the bases for his claims and requested relief as a result of the “abbreviated complaint form” and his responses to the magistrate judge’s questionnaire.

Having reviewed the pleadings, file, record in this case, and Report, and conducting a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff’s objections, **dismisses with prejudice** Plaintiff’s claims challenging his conviction or the revocation of his probation until the conditions of *Heck v.*

*Humphrey*, 512 U.S. 477 (1994) are met, and **dismisses with prejudice** his remaining claims as frivolous.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

**It is so ordered** this 21st day of May, 2019.

  
Sam A. Lindsay  
United States District Judge